IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7131 OF 2005

Pradeep Tanjirao Gaikwad — Petitioner
versus
Sadhana Sahakari Bank Ltd.
Hadapsar, Pune — Respondent

M.R.Deshpande for petitioner.

CORAM : R.M.S.KHANDEPARKAR, J.

DATE : 06th November 2006

PC :

1. Heard learned advocate for petitioner. The petitioner challenges an order passed by the Industrial Court in Appeal No.5 of 2003 on 16th December 2004 as also an order passed by the Labour Court in Original Application No.8 of 1996. The concurrent orders by the Courts below confirming the termination of services of the petitioner disclose that the petitioner was not at all a workman or employee within the meaning of the said expression in Section 3(13) of the Bombay Industrial Relations Act, 1946. The evidence produced by the respondent clearly disclose that the petitioner was working in

supervisory capacity. He was authorised to sanction loans, leave etc. and was working as Assistant Branch Manager. Being so, no fault can be found with the concurrent findings arrived at about the status of the petitioner in the employment of respondent and on that count the complaint of the petitioner has been dismissed.

2. The impugned orders do not disclose any jurisdictional error and the same reveal findings having been arrived at on detailed analysis of the materials. The impugned orders also make reference to the incident of indecent behaviour on the part of petitioner vis-a-vis a girl. In the facts and circumstances, therefore, there is no case made out for interference in the concurrent findings arrived at by the Courts below. Hence, the petition fails and it is rejected.

(R.M.S.KHANDEPARKAR, J.)